

## **VIOLATION OF HUMAN RIGHTS: A STUDY WITH SPECIAL REFERENCE TO JAY PEE CEMENT PLANT, BAGHERI IN THE STATE OF HIMACHAL PRADESH**

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*The outline of the research paper is as follows. The rights that all people have by virtue of being human are human rights. These are the rights which no one can be deprived without a grave affront to justice. There are certain deeds which should never be done, certain freedoms which should never be invaded, something which is supremely sacred.[2] It is so because they may affect the human dignity. Thus the idea of human rights is bound up with the idea of human dignity[3].*

*Human rights being essential for all-round development of the personality of the individuals in the society be necessarily protected and be made available to all the individuals. They must be preserved, cherished and defended if peace and prosperity are to be achieved. Human rights are the very essence of a meaningful life and to maintain human dignity is the ultimate purpose of the government[4].*

*India's traditional concept of development emphasizes on collective welfare that is totally different from the today's concept of economic development at any cost. Indian culture has always emphasized on overall welfare. But, today time has changed and man is ready to harm anything to any extent for his benefit. However, in Indian the basic human rights protected by the Constitution but the scenario around cement plants have different tale to tell. The proposed paper concludes with key message that no doubt development is necessary but it should not be at the cost threat to human survival.*

“Human Rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of India or embodied in the International Covenants and enforceable by courts in India.[5] Article 3 of the Universal Declaration of the Human Rights says that, “Everyone has the right of life, liberty and security of person”. And Right to Life includes in right to pure and pollution free air, right to clean drinking water, right to clean and healthy environment and right to unpolluted and uncontaminated food.

At this time two units of Jay Pee are working in Himachal Pradesh, one is at Baga in tehsil Arki of Solan district and other one is at Bagheri of tehsil Nalagarh of Solan district.

Solan lies between 30<sup>0</sup>05<sup>0</sup> and 31<sup>0</sup>15<sup>0</sup>North latitude and 76<sup>0</sup>42<sup>0</sup> and 77<sup>0</sup>20<sup>0</sup> East longitude.[6] This district is bounded by Shimla district in the North and by Ropar district of Punjab and Ambala district of Haryana in the South, by Sirmour district in the East and Bilaspur district in the West Mandi district touches the boundary of Solan district in the North-East[7].

**Nalagarh:** Nalagarh is a tehsil of Solan district. This tehsil has boundaries with Punjab and Haryana and it has been declared as an industrial zone. There are total of three cement plants functioning in this tehsil.

### **1.1 Jaypee Himachal Cement Grinding and Blending Unit, Bagheri[8]:**

**Started:** This plant came into operation on 14 January, 2010.

**Production Capacity:** This plant has production capacity of 1.75 million tones per annum.

Jaypee Himachal Cement Grinding and Blending Unit, Bagheri falls in Nalagarh tehsil of Solan district. This is the one plant against which the respondents had

maximum complaints. No EIA Notification is being followed by this plant and situation around this plant is pathetic. The condition of roads is worst and level of pollution is unbearable. Respondents briefed that they can not even go out in the early morning because of the dust emitted from the plant.

There are three villages around the plant: Bagheri which comes under Bagheri Panchayat, Kulhari which comes under Gholowal Panchayat and Pandiyana which comes under Bagheri Panchayat.

**RESEARCH QUESTION:** The Research Questions for this study are:

1. Whether the human rights are being violated?
2. Whether the necessary steps have been taken for the protection of human rights?

**RELATIVE IMPORTANCE:** No doubt development is necessary but it should not be at the cost of human survival. Keeping this in view the concept of sustainable development was introduced. But it seems that the cement plants in Himachal Pradesh are least bothered about laws and society and that's why they are playing with the life of people. Human rights are not just a concept but it is the base of human survival.

**OBJECTIVES:** This study has academic as well as practical importance. The main objects of the present work are:

1. To find out that there is violation of human rights by the Cement Plants in the State of Himachal Pradesh?
2. To find out that what guidelines has been laid down for the protection of human rights?

**HYPOTHESIS:** The study proceeds on the following hypothesis:

1. That human rights are being violated by the Cement plants.
2. That there is less efforts on the part of concerned authorities for the protection of human rights.
3. That existing Laws are insufficient to protect the human rights.

**METHODOLOGY:** Keeping in view the socio-legal nature of the problem, the research methodology has been chosen in such a manner as to effectively co-ordinate the data derived from different discipline and areas and to establish linkage between them in order to highlight the different issues. The study shall make use of both primary and secondary data. The researcher has used multi-prolonged approach to collect as much as relevant information through the primary and secondary sources. The study would be purely exploratory and evaluative in nature.

Primary data has been collected through the administration of questionnaire to the respondents by picking up the random sample of 10 % of the universe to generate the information to access and evaluate their views. Interview schedule contained both type of close and open-ended questions including the variables such as gender, age, educational.

Secondary data has been gathered from the literature available in the libraries, data of NGOs, Court Judgments, Reports of EIA, Newspapers, reports, articles, research papers and other relevant documents including review of books, legal and extra-legal relevant literature has been studied, surveyed and scanned for the present study.

**TABLES AND FIGURES:** The variables chosen by the Researcher for the purpose of Data Analysis are:

- Gender;
- Educational Qualification; and

**Table 1: Population on the basis of Gender**

Sr. no.	Gender	Population	Percentage
1.	Male	134	59%
2.	Female	94	41%

After analyzing the sample chosen, i.e. 10% of the population, the Researcher found that the total number of population selected is 228, out of which 134, i.e. 59% of the total sample selected is male and 94, and i.e. 41% of the total sample selected is female which is shown in Table number 1.

**Table 2: Population on the basis of Education Qualification**

Sr. no.	Education Qualification	Population	Percentage
1.	Illiterate	02	4%
2.	Primary	12	5%
3.	Middle	40	18%
4.	Metric	64	28%
5.	Plus Two	57	25%
6.	Graduate	33	14%
7.	Post-Graduate	05	2%
8.	Professional Diploma	15	7%

Table 2 shows that out of the total sample chosen, 2, i.e. 4% of the sample chosen, are illiterate, only 12, i.e. 5% of the sample chosen, are primary educated, 40, i.e. 18% of the sample chosen, received education till middle standard, 64, i.e. 28% of the sample chosen, are metric qualified, 57, i.e. 25% of the sample chosen, are +2 educated, 33 i.e. 14% of the sample chosen, are graduates, 05, i.e. 2% of the sample chosen, are post-graduate and only 15, i.e. 7% of the sample chosen, hold professional and technical diploma.

**ANALYSIS OF THE SAMPLING:** The response of the Respondents to whether their human rights have been violated or not are as:

### 1. CLEAN AND POLLUTION FREE AIR:

**Table 3: Clean and Pollution free Air**

Clean and Pollution free Air		
Yes	No.	Don't Know
199	15	14

Table 3 shows the distribution of answers to the Question in the questionnaire, asking whether the air is polluted or unpolluted, 199 of the sample chosen, out of the total sample chosen by the Researcher said that yes air is polluted, while 15 of the sample chosen, said no to it and 14 said that they don't know anything about it.

### 1. POLLUTED DRINKING WATER:

**Table 4: Polluted Drinking Water**

Polluted Drinking Water		
Yes	No.	Don't Know
49	107	72

Table 4 shows the distribution of answers to the Question in the questionnaire, asking whether drinking water is polluted and contaminated, 49 of the sample chosen, out of the total sample chosen by the Researcher said that yes drinking water is polluted and contaminated while 107 of the sample chosen, said no to it and 72 of the respondents said that they don't know anything about it..

### • POLLUTION AND CONTAMINATION OF FOOD:

**Table 5: Pollution and contamination of Food**

## Pollution and contamination of Food

Yes	No.	Don't Know
99	65	64

Table 5 shows the distribution of answers to the Question in the questionnaire, asking whether the food is polluted and contaminated, 99 of the sample chosen, out of the total sample chosen by the Researcher said yes to this question while 65 of the sample chosen, said no to it and 64 said that they don't know anything about it.

### 1. POLLUTION OF ENVIRONMENT:

**Table 6: Pollution of Environment**

## Pollution of Environment

Yes	No.	Don't Know
193	03	32

Table 6 shows the distribution of answers to the Question in the questionnaire, asking whether the environment is polluted, 193 of the sample chosen, out of the total sample chosen by the Researcher said yes to it while 03 of the sample chosen, said no to it and 32 said that they don't know anything about it.

**RESULT AND DISCUSSION:** The majority of the Respondents felt their basic human rights are being violated by these Cement Plants and they are facing problems in one way or another.

### 1. CLEAN AND POLLUTION FREE AIR:

It is clear from the data collected that the establishments of cement plants has snatched the basic rights, i.e. human rights from the people who are living in the surrounding areas of these plants as right to clean and pollution free air is the basic human right that is included in the right to life (guaranteed by Article 21 of the Indian Constitution) but air surrounding these plants is not only full of harmful chemicals but infact when these plants

operate people can not go out because of black dust generated by these plants. And therefore, they can not breathe in such air.

They can cut their crops only after wearing masks because of the black dust generated by these cement plants.

Apart from this there is dust from trucks, dumpers and crushers which is another major source of air pollution.

### 1. POLLUTED DRINKING WATER:

The cement plant is not providing any facility relating to drinking water as the respondents are already getting IPH water supplies and there is no such proof that the cement plant is polluting drinking water resources.

### • POLLUTION AND CONTAMINATION OF FOOD:

The harmful dust generated by these plants not only damage the crops but also pollute the fodder which means ill effects on animals health and less production of milk and polluted milk. As the fodder is covered with dust from plant which can not be removed even after washing, so there is less production of milk in animals, effect on their growth and aphoria/infertility in animals. Their skin also turned out to be very rough because of dust.

Plant has a proper disposal site but plant is not using it and throwing waste here and there in village. Therefore, crops and pasture have been destroyed by the dust and hence no grazing for animals and poor crop-production for humans.

### 1. POLLUTION OF ENVIRONMENT:

Right to healthy environment is another basic human right which is violated by these cement plants. The establishment of cement plants has badly affected the

health of human beings. The people who are living in the surrounding areas of cement plants are suffering from breathing problems, asthma, TV, allergies, hearing and vision problems etc. There are some cases of cancer patients also. The establishment of cement plants has not affected man only but other forms of lives and flora and fauna also. As there is less milk production in animals, their reproductive capacity has been affected and quite a number of animals had died.

There used to be lush jungles before the establishment of these plants. But now there are dusty roads full of trucks. The locals are not facing health problems only but traffic jams and bad roads full of pits and dust is another problem. A number of trees were cut at the time of establishment of plant but not even a single tree has been planted by the plant.

**CONCLUSION:** The survey of this study has led to following conclusions:

1. This cement plant is violating the basic human right of right to life which in itself includes the right to pollution free air, water healthy environment and uncontaminated food.
2. This cement plant is violating the basic human right of right to clean and unpolluted air as the air surrounding these plants is not only polluted but is full of black dust.
3. This cement plant is violating the basic human right of right to unpolluted drinking water because these plants have not only polluted the water resources but many natural water resources has dried up after the establishment of these plants.
4. This cement plant is violating the basic human right of right to healthy environment because there is introduction of and rise of many new diseases after the establishment of these plants and roads are full of dust due to loading and

deloading of trucks. Pollution from trucks is another problem faced by these respondents.

5. This cement plant is violating the basic human right of right to food because pollution from these cement plants has not only damaged the crops but has also affected their production and pattern.
6. Diseases caused by the plant are: breathing problem, asthma, cough, TB (tuberculosis), hearing problem, vision disturbed, allergies of all kinds, Dizziness, lightheadedness, damaged fodder, 80-90 animals died in last few months, less milk production in animals, Aphoria/infertility in animals, reproduction capacity has badly affected, rough skin of animals, dust and coal inside the houses.
7. When the plant was expanded and second unit was established, the plant authorities had assured the villagers that they will implant advanced technologies and machineries which will not cause any kind of pollution whether it is air, sound, noise or problem of dust but all the problems had made locals life hell and all these promises turned out to be an eyewash.

One thing is clear from the above discussion that the respondents are mostly sufferers in this whole scenario, less has been done for them and the plants are exploiting not only nature but respondents also and smashing their basic rights very badly.

On the basis of the historical, analytical, comparative and empirical study made in this paper, the following suggestions are made for so that human rights which are the basic necessities can be protected.

1. There should be employment of such independent agency that can monitor the pollution generated by these plants on daily basis.

2. The most affected people should be settled at some other places.
3. Heavy fines should be imposed on the cement plants in case if they pollute environment in any form.
4. In case, if these plants keep on violating the human rights then provisions should be made for stringent punishments.
5. Efforts should be made to make people aware of their rights and what they should do in case of violation.
6. Last but not the least, NGOs and other such agencies can be coordinated to keep an eye on these plants to not to violate the human rights.

## References

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- [3] *The New Universe of Human Rights*, p.3.
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- [8] Jaypee Himachal Cement Grinding and Blending Unit, Bagheri, Village-Tikari, P.O.-Khillon, Tehsil-Nalagarh, District-Solan-174101.